

1 JON M. SANDS
Federal Public Defender
2 District of Arizona
850 West Adams, Suite 201
3 Phoenix, Arizona 85007
Telephone: (602) 382-2739

4 JEFFREY A. WILLIAMS, #012605
5 Asst. Federal Public Defender
Attorney for Defendant
6 jeffrey_williams@fd.org

7 IN THE UNITED STATES DISTRICT COURT
8 DISTRICT OF ARIZONA

9 United States of America,

10 Plaintiff,

11 -vs-

12 Aimee Melissa Edwards,

13 Defendant.

No. CR-08-623-PCT-JAT

**MOTION TO SUPPRESS
STATEMENTS PURSUANT TO
MIRANDA**

(Evidentiary Hearing Request)

14
15 The defendant, through undersigned counsel, moves the Court to
16 suppress all statements obtained from the defendant on June 23, 2008, because
17 they were obtained in violation of *Miranda v. Arizona*, 384 U.S. 436 (1966) and
18 the Fifth Amendment of the United States Constitution.

19 **I. Facts**

20 The defendant, Aimee Melissa Edwards, is before the Court charged
21 with Second Degree Murder in violation of 18 U.S.C. §§ 1153 and 1111. It is
22 alleged that on December 21, 2007, the defendant stabbed the decedent, Lambert
23 Caddo, during an argument. The defendant asserts that if she in fact stabbed Mr.
24 Lambert it was after Mr. Lambert threatened to kill Ms. Edwards and her infant
25 child.

26 On June 23, 2008, Ms. Edwards was arrested at the White Mountain
27 Safe House in Pinetop, Arizona pursuant to a Federal Arrest Warrant issued on
28 June 19, 2008. Agents Stephen Hale and Raymond Duncan arrived at the safe

1 house at about 7:20 a.m. and immediately placed Ms. Edwards under arrest. She
2 was searched and restrained by a belly-chain and handcuffs before being placed
3 in the front passenger seat of Agent Hale's government vehicle. She was never
4 advised of her rights pursuant to *Miranda*.

5 The drive to the U.S. Marshal's Office took approximately 3 ½ hours.
6 Agent Hale contends that during the trip Edwards repeatedly asked what would
7 happen to her that day and he stated he did not know. He went on to explain the
8 initial appearance and detention hearing process. Ms. Edwards then asked about
9 trial and the advantages and disadvantages of pleading guilty to which Agent Hale
10 responded that she should consult a lawyer. Then there was a lengthy
11 conversation about the stabbing and the events that led up to the stabbing. At
12 about 10:50 a.m. Ms. Edwards was booked into the United States Marshal's
13 Office.

14 **II. Law**

15 Pursuant to *Miranda* and its progeny, the prosecution may not use
16 statements elicited through custodial interrogation unless the use of procedural
17 safeguards guarantee that the accused has been informed of and has freely waived
18 the Constitutional privileges of the Fifth Amendment. See *id.* 444-45. Under
19 *Miranda*, law enforcement officers must warn the defendant that "he/she has a
20 right to remain silent, that any statement he/she does make may be used as
21 evidence against him, and the he/she has a right to the presence of an attorney,
22 either retained or appointed," prior to the commencement of any interrogation. *Id.*
23 at 444-45. If given, the defendant may waive the exercise if his or her *Miranda*
24 rights, "provided the waiver is made voluntarily, knowingly, and intelligently." *Id.*
25 at 444. The purpose of the warnings is to guard against self incrimination during
26 "incommunicado interrogation" of individuals in settings dominated or
27 controlled by law enforcement officers. *Illinois v. Perkins*, 496 U.S. 292 (1990).
28 . . .

1 In *United States v. Orso*, 266 F.3d 1030, a situation almost identical
2 to the present case, the Ninth Circuit Court of Appeals held that a defendant who
3 was picked up on a federal warrant was under “interrogation” by postal inspectors
4 during a drive from the police station to their office, such that *Miranda* warnings
5 were required, where, after talking about other matters, the inspector engaged the
6 defendant in a detailed discussion about the facts of the case, even if the inspector
7 preceded his comments by admonishing the defendant not to speak.

8 In the present case there is no doubt the defendant was in custody and
9 based on the decision in *Orso*, the defendant should have been advised of her
10 rights pursuant to *Miranda*.

11 Therefore, for the reasons stated, the defendant moves the Court to
12 suppress the statements given by the defendant on June 23, 2008, because they
13 were obtained in violation of *Miranda*.

14 Respectfully submitted: July 10, 2008.

15 JON M. SANDS
16 Federal Public Defender

17 s/Jeffrey A. Williams
18 JEFFREY A. WILLIAMS
19 Asst. Federal Public Defender
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1 Copy of the foregoing transmitted
2 by ECF for filing this 10th day
of July, 2008, to:

3 CLERK'S OFFICE
4 United States District Court
Sandra Day O'Connor Courthouse
401 W. Washington
5 Phoenix, Arizona 85003

6 THOMAS SIMON
7 Assistant U.S. Attorney
United States Attorney's Office
Two Renaissance Square
8 40 N. Central Avenue, Suite 1200
Phoenix, Arizona 85004-4408

9 Copy mailed to:
10 Aimee Melissa Edwards
11 Defendant

12 s/ P. Muñoz
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